265 The Legal Services Authorities [3 MAR. 1992] *(Amdt.) Bill,* 1991 26(>

House now, Please sit down. *{Interruptions).* Will you please sit down? 1 am not rximittin^. Don't argute, *(Interruptions).*

DR. ABRAR AHMED: THE DEPUTY CHAIRMAN: I wiii allow you in the evening. *(Interruptions).* It is not going. on record It is not going on record. You will be allowed a special mention. This is my assurance. *(Interruptions').*

SHRI SUBRAMANIAN SWAMY: Madam., .

THE DEPUTY CHAIRMAN: Will you please sit down for a minute? Mr. Abrar Ahmed, £ will permit you a special, mention in the evening. Please take your seat. Don't get agitated. *(Interruptions).* I said, please take your seat. *(Interruptions).*

SHRI SUBRAMANIAN SWAMY: Madam...

THE DEPUTY CHAIRMAN; I have not yet prermitted you. Please, *interruptions).* Don't argue with them. When I allow you in the evening, you make a proper submission, otherwise not.

SHRI SUBRAMANIAN SWAMY: Madam, this is a matter of great national importance. Yesterday, the deadline for Mr. Pirabhakaran turning up himself at the Magistrate's Court in Madras has expired. And he is still at large in Sri Lanka. Madam, the assissination of Shri Rajiv Gandhi is an insult to our national honour and challenge to our national sovereignty. Therefore, to bring Mr. Pirabhakaran to trial is exatremely important. As he has been charge-sheeted, it becomes quite obvious that he was behind it. Therefore, I would like to know from the Government whether they are going to do anything about it or just show their importence as far as this matter is concerned. They should make arrangements immediately to see that Mr. Pirabhakaram is brought to trial by various methods which any Government agency would know, so that this great insult *to* our national honour arid challenge to the national sovereignty is met I hope Hie Home Minister will not take this matter lightly.

*Not recorded.

SHRI V. NARAYANASAMY: Madam I assecnte myself.

THE DEPUTY CHAIRMAN: Please sit down. You have associated. Bat no more commentst *(Interruptions).* Let me announce first. I have not yet innounced-

. . . (व्यवधान) आप बैठिए यादव जी, आप तशरीफ रखिए . . . (व्यवधान) . . .

The Leader of the House requested and suggested that we should takt up the special mentions in the evening, because we have-delayed in starting the Motion of Thanks to the President. Now before me in the Legislative Business there is the Legal Services Authorities (Amendment) Bill, 1991. This Bill was taken up prior to the Lok Sabha being disolved. We held discussion on it and it was passed by the Rajya Sabha. If the. House so agrees, we can pass this Bill without discussion and then start the Motion of Thanks so that we don't interrupt it.

THE LEGAL SERVICES AUTHORITIES (AMENDMENT) BILL, 1991.

THE DEPUTY CHAIRMAN: Mr. Madhavan, you have an amendment. Shall I ask you to withdraw in the same spirit.

SHRI S. MADHAVAN (Tamil Nadu): One thing, Madam, It will be difficult to implement the provisions of the Act in Tamil Nadu. There are lacunae in the Act. . .

THE DEPUTY CHAIRMAN- The Home Minister is checking it. Let him first move the motion.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, I beg to move:

> "That the Bill to amend the Legal Services Authorities Act, 1987 be taken into consideration."

The question was proposed.

SHRI S. MADHAVAN: Only one point with regard to the constitutiop. of taluk committees needs to be clarified by the Government. Tamil Nadu does not have any civil courts at all in certain taluks In the definition in Clause 9, ft is stettd.

[Shri *S.* Madhavan] 'taluks or mandale'. But there are no 'man-dais* in Tamil Nadu. The second clause says that only senior civil judges cani become Ex-officio Chairman of the taluk committee. As I have already pointed out, in Tamil Nadu, in certain tahiks there are no senior civil judges at alt. There is no civil court at all in these places. For example, in my own taluk there is no civil court. In the taluk from where the Commerce Minister comes there is no civil court. So, in Tamil Nadu in some taluks the taluk committee cannot be constituted as provided in the Act. That is why I have given an amendment to add group of taluks or mandaU or for specified areas so that the State legal committee have the discretion to constitute taluk committees. Taluks and civil jurisdiction differe. The State Government can change the jurisdiction of taluk. The civil court jurisdiction is entirely different. So, there may not be any senior civil judge at all in such areas, if that happens, the taluk committee cannot function because as stated in one of the provisions, only senior civil judges will be appointed as Ex-officio Chairman. The Government should look into this. If this amendment is accepted, then this anomaly can be avoided and all the taluks will have a taluk committees according to the provisions of this Act.

THE DEPUTY CHAIRMAN: Thank you. You have spoken on all your amendments. Now I will put the question to vote The question is:

> "That the Bill to amend th eLegal Services Authorities Act, 1987, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: Now we shall take up clause-by-clause consideration of the Bill.

Clause 2 *to* 3 *were added to the Bill,*

THE DEPUTY CHAIRMAN: Clause *Clause* 91 *District Legal Service Authority 9,* there are three amendments by Shri Madhavan. Are you moving it?

SHRI S. MADHAVAN: Madam, I have already pointed out the difficulty There is no answer from the Minister I would like to move the amendment for Clause 9.

I move:

3. That at page 7, lin 35, *after* the words "group of taluks or mandate*' the words "or got any spscifkd group of villages" be *interted.*

5. That at page 7 line 37, *for* the words "the Senior Civil Judge" the words "any judicial officer" be *substituted,*

6. That at page 7, lines 41-42, the words "that Government in consul tation with" be *deleted.*

The questions were put and the motions were negatived.

THE DEPUTY CHAIRMAN: Now the question is:

That Clause 9 stand part of the Bill. *The motion was adopted.*

Clause 9 *was added to the Bill.*

Clause 10 *to* 14 *were added to the Bill.*

THE DEPUTY CHAIRMAN: Clause 15, there is one amendment by Shri Madhavan. Are you pressing the amendment?

SHRI S. MADHAVAN: Madam, in this amendment. I wanted that all the claims against insurance companies must be compulsorily referred to Lok Adalats.

THE DEPUTY CHAIRMAN: Are you moving it?

SHRI S. MADHAVAN: No.

THE DEPUTY CHAIRMAN: The question is:

That Clause 15 stand part of the Bill. *The motion was adopted.*

Clause 15 *was added to the Bill.*

Clause 16 *and* 17 *were added to the Bill.*

THE DEPUTY CHAIRMAN: Clause 18, there is an amendment by Shri Madhavan. Are you pressing it?

SHRI S. MADHAVAN: Madam, I want to know from the Government whe-there State Governments wiii be allowed to use the equivalent words for Lok Adalat in their respect ve States in their own language. There is a purpose for this amendment. We have got our own State legal committees. Can the Government permit this under the rules? Will it permit the State Government to use the equivalent words in their language?

SHRI S. B. CHAVAN: The rules are being framed.

THE DEPUTY CHAIRMAN: Now the question is:

That clause 18 stand part of the Bill. *The motion was adopted.*

Clause 18 *was added to the Bill.*

Clause 1—*Short Title*

SHRI S. B. CHAVAN: Madam, I beg to move:

That at page 1, Una 4 *for* the figure "1991" the figure '1992" be *substituted.*

The question was proposed

SHRI DIPEN GHOSH (West Bengal The Home Minister was seen asking for the papers from the officials. In the meantime, the Bill has been passed-

THE DEPUTY CHAIRMAN: No, the Bill has not been passed. Not yet. I haven't said that the Bill has been passed: It is only the amendments being withdrawn and the Clauses being added.

Now, I will put the amendment to vole.

The question, is:

That at page 1, line 4 *for* the figure "1991" the figure "1992" be *substituted.*

The motion was adopted.

THE DEPUTY CHAIRMAN: Now, I shall put Clause 1, as amended, to vote.

The question is:

That. clause 1, as amended, stand part of the Bill

The ration was adopted.

Clause 1, *as amended, was added to the Bill.*

Enacting Formula

THE *DEPUTY* . CHAIRMAN: We shall now take up the Eancting Formula. Thera is one amendment by Shri K. Vijaya Bhaskara Reddy.

SHRI S. B. CHAVAN: Madam, 1 beg to move:

That at page 1, line 1 *for* the word "Foriv-seeond" the word "Forty-third" be *substituted.*

THE DEPUTY CHAIRMAN: It is a very good precedent that the Leader of the House is taking great responssbblity. I shall now put the amendment to vote.

The question is:

That at page 1, line 1 *for* the word "Forty-second" the word "Forty-third" be *substituted.*

The motion was adopted.

THE DEPUTY CHAIRMAN: I shall now put the Enacting Formula, as amended to vote.

The question is:

That the Enacting Formula, as amended, stand part of the Bill.

T*he motion was adopted.*

The Enacting Formula, as amended, was added to tlte Bill.

The Title vras added to the Bill.

SHRI S. B. CHAVAN: I beg to move:

That the Bill, as amended, be passed.

The question was proposed.

SHRI DIPEN GHOSH: Madam, I am on a point of order. In the presence erf the Law Minister, he has to pilot his Bill or mow the Bill. Can any other Minister is autiorised to move the Bill if the concerned Minister is present?

THE DEPUTY CHAIRMAN: Yes. of course.

SURI YASHWANT SINHA (Bihar): Madam, even a paper cannot be laid -eft. the Table if the Minister is present... *(Interruptions)*

THE DEPUTY CHAIRMAN: I will explain to you.. .*(Interruptions)* Just listen to me. *(Interruptions)*

SHRI DIPEN GHOSH: If the Minister is present, other Ministers cannot be authorised to move the Bill.

श्री ईश दत्त यादव (उत्तर प्रदेश) : हमें समय दे दीजिए, कुछ कहना है ।

उपसभापति : आप अपनी जगह पर बैठ जाइये । आप अपना स्थान ग्रहण करिये । इनको पहले जवाब देने दीजिए । (व्यवधान)

The .Leader of the House has started to move the Will. Secondly, it is the joint responsibility of the Government. It is for the Prixne Minister to decide as to who should hold what.

SHRI YASHWANT SINHA: Madam, if you look into the rules. if the Minister is present, the other Minister cannot even lay a paper on the Table. How can he move the Bill?

THE DEPUTY CHAIRMAN: I can make the Minister to be non-present in the House.

SHRI YASHWANT SINHA: Why is the rule being taken for a ride in this Houses?.... *(Interruptions)*

SHRI DIPEN GHOSH: If the Minister was away, then it is all right. . . *(Interruptions)*

THE DEPUTY CHAIRMAN: That objection is overruled. That objection doesno't sustain. Any grievance?

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): Even for laying a paper, the permission is granted by the Chair.

THE DEPUTY CHAIRMAN: I have granted hiai permission and that is why he moved it in the first place.

SHRI JAGDISH PRASAD MATHUR: When did he ask for ,your permission? Permission has to be obtained in writing before moving the motion.

THE DEPUTY CHAIRMAN: I do not know whether you were present in the House. He started it with my permission and with the knowledge of the entire House.

SHRI JAGDISH PRASAD MATHUR: Did he seek your permission in writing before moving the motion? Even for laying a paper on the Table permission has to be asked for in writing. Did he write to you?

THE DEPUTY CHAIRMAN; Shall I read out the definition clause? " 'Member in charge of the Bill' means in the case of a Government Bill 'any Minister', and in any other case 'the Member who has introduced the Bill."

He introduced it now He moved the motion, he did it. . .*(Interruption)*

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): I have only one short small' point to make.

SHRI DIPEN GHOSH: If you ask for pardon, we can pardon. But the question is the rules are not for riding rough-shod . . *(Interruption)*

THE DEPUTY CHAIRMAN: Nobody has to ask for pardon. It is very much in order. What do you want to say, Mr. Subramanian Swamy?

SHRI SUBRAMANIAN SWAMY: I havs only a short small point...

श्री ईश दत्त यादव : महोदया, मैं दो मिनट का समय लेना चाहता हूं ।

उपसभापति : इसी बारे में, थर्ड रिडिंग पर ? आप पहले तसरीफ रखिये, अपना स्थान ग्रहण कीजिये । उनको पहले बोलने दीजिये । आप बाद में बोल लीजिये ।

SHRI SUBRAMANIAN SWAMY: As the another of the Bill I want *to* make only a very short point. It is a very good Bill and it should be passed quickly, because ever since*

SHRI JAGDISH PRASAD MATHUR: He is not the Minister and he cannot claim it be its author now.. .

THE DEPUTY CHAIRMAN: You must move an amendment to say when you were the Minister...

SHRI SUBRAMANIAN SWAMY: Yes. 1 was the author of the Bill. As the author of the Bill I say.. .

THE DEPUTY CHAIRMAN: Your amendment is accepted by the Chair.

SHRI SUBRAMANIAN SWAMY:*

SHRI JAGDISH PRASAD MATHUR: He can make any charge against the Janata Dal but not against me...

SHRI SUBRAMANIAN SWAMY:*

THE DEPUTY CHAIRMAN: Mr. Subramanian Swamy, that point which you mentioned about Mr. Mathur or about his party doesn't become part of the third reading and it should not go on record.

SHRI SUBRAMANIAN SWAMY: I totally agree With you.. .

THE DEPUTY CHAIRMAN: In this authorship there is no money that you are going to get. It is not a book.

SHRI SUBRAMANIAN SWAMY: It is a very good Bill. Last time I brought it and it was passed but the House got dissolved. Please ask them to pass it quickly before the Lok Sabha is dissolved.

श्री ईश दत्त यादव : मैडम, मैं एक निवेदन करना चाहता था । यह बहुत महत्वपूर्ण बिल है और देश की न्याय प्रणाली से इसका संबंध है । सब को त्वरित न्याय मिले, सस्ता न्याय मिले, इसका संबंध इस महत्वपूर्ण बिल से है । इस पर बहस होनी चाहिए। लेकिन मुझे आपत्ति नहीं है अगर पूरा सदन इससे सहमत है कि इसको बिना बहस के पास कर दिया जाए ।

उपसभापति : इस पर बहस हो चुकी है । मैं आपको करेक्ट करना चाह रही हूं । आप शायद हाउस में नहीं थे जब मैंने यह लिया । इस बिल के ऊपर बहुत लम्बी-चौड़ी बहस हो चुकी थी और यह बिल हाउस में पास हो गया था, लेकिन क्योंकि लोक सभा डिजोल्व हो गई थी, जैसा कि श्री सुब्रह्मण्यम स्वामी ने कहा, इसलिए वापस आया था । इस पर बहस हो चुकी है ।

श्री ईश दत्त यादव : मैडम, मेरा केवल एक निवेदन था । अभी यहां पर माननीय प्रधान मन्त्री जी भी हैं, न्याय मंत्री और सब लोग बैठे हुए हैं, इसमें लोक अदालतों के बारे में उल्लेख किया गया है। इस देश में लोक अदालतों का आयोजन किया जाता है, लेकिन मैं आपके जरिये सरकार से यह निवेदन करना चाहता हूं कि अदालतों पर बहुत ज्यादा व्यय किया जाता है और होता कुछ नहीं है । जो अनडिस्प्यूटड मुकदमें होते हैं, एक दिन में लोक अदालत लगा करके उनका निस्तारण दिखा दिया जाता है । जो वास्तविक मंशा लोक अदालत लगाने की है कि लोग इकट्ठा हो और पार्टीज को परस्यूएट किया जाए और उसमें समझौता किया जाए जिससे मुकदमों की संख्या घटे लेकिन इस तरह का कार्य कभी भी नहीं होता । केवल फर्जी आंकड़े तैयार किये जाते हैं । इसलिये मैं आपसे निवेदन करना चाहता हूं यह बिल पास हो जाए, इसमें मेरी सहमति है लेकिन सरकार, न्याय मंत्री और प्रधानमंत्री इसको देखें । अगर देश के बजट में इस पर इतना पैसा खर्च किया जाता है तो इसका जो वास्तविक स्वरूप है, सही मायनों में लोक अदालतों का जो कार्य होना चाहिये, इसको देखते हुए उसी तरीके से लोक अदालतों का आयोजन किया जाए और सही मायनों में पंचायती तरीके से लोक अदालतों से मुकदमों का निर्णय कराया जाय, यही मेरा निवेदन है।

SHRI S. MADHAVAN: Madam, there will be difficulty in constituting Taluk Committees in Tamil Nadu. It has been pointed out by my amendment. The Law Minister was absent. The Law Minister must take care of how to constitute Taluk Committees where there is no civil court at all in Tamil Nadu, whether that can be attended to.

THE DEPUTY CHAIRMAN; Do you want to react, as it has been pointed out to you specifically? *(Interruptions)* He has been by name, asked. So I cannot say, no.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY): This is one of the best Bills that has been pending since long. We want to pass it as early as possible. I am happy that the whole House is unanimously supporting it. This is a Bill which is very useful to the poorer sections and the Lok Adalats are doing a wonderful job. Here and there some people say that the expenditure is more. But that also we are trying to prune. I have discussed it with the concerned, the judges and others. We are also reducing expenditure On these Lok Adalats. Added to that, the beneficiaries are lakhs of people and we want that it should go further in detail and see that the deserving people should get the aid. We are also increasing the money on this aspect

An other point the hon. Member has raised. Even if in a particular taluk there is no court, that area is covered by some other courts located in some other place. So there is no question of not having a judicial officer at all. The entire State, whether of Tamil Nadu or any other, is covered by Judicial officers. That is not the problem.

1 again request everybody to pass this unanimously.

THE DEPUTY CHAIRMAN; The question is:

> "That the Bill to amend the Legal Services Authorities Act, 1987, as amended, be passed."

The motion was adopted.

THE DEPUTY CHAIRMAN: We will now take up the discussion on the Motion of Thanks on the President's Address. Shri Ram Naresh Yadav.

SHRI DIPEN GHOSH; What about Special Mentions?

श्री ईश दत्त यादव : स्पेशल मेंशन कब होंगे ?

उपसभापति : आप हाउस में रहते नहीं। कितना पानी बृज के नीचे से चला गया आपको पता नहीं।

श्री ईश दत्त यादव : स्पेशल मेंशन कब होंगे ?

उपसभापति : शाम को होंगे।

श्री ईश दत्त यादव : शाम को कितने बजे।

उपसभापति : शाम को 5.30 बजे।

श्री ईश दत्त यादव : 5 बजे तो हाउस खत्म हो जायेगा।

THE DEPUTY CHAIRMAN: I must announce this also that it was discussed in the Business Advisory Committee that we should sit beyond 5 O'clock. Now, another meeting of the Business Advisory Committee has not taken place again. But every member in the Committee said, "not in the first week." So if the House so agrees, as we are starting the discussion on the Motion of Thanks on the President's Address late—I request the House, both sides, to sit beyond 6, O'clock *(Interruptions)* Please. Let us finish the business also. Let us finish the business also. *{Interrupaions)*

SHRI DIPEN GHOSH: It was not decided.

THE DEPUTY CHAIRMAN: No, It was not decided. I said that when the matter was raised in the Business Advisory Committee, Members said: "not in the first week, in the first week we will not sit beyond 5 O'clock". *{Interruptions)* I am telling you. It was not decided. *{Interruptions)* I am asking you. Why are you arguing? Why don't you listen to what I say? What I am saying is that the Members very clearly have said: "we will not sit beyond 5 O'clock in the first week". No decision was taken about the second week. So I am requesting the House now. If the House so agrees, we will[1] sit up to 6 O'clock.

AN HON. MEMBER: When will Special Mentions b© taken? *{Interruptions)*

THE DEPUTY CHAIRMAN: Okay. At 4.30. Whatever you want. It is not my problem.

SHRI DIPEN GHOSH: In that case, do you suggest that the discussion on the Motion of Thanks will remain sus pended for some time?

THE DEPUTY CHAIRMAN: Yes. It remains suspended in the night also when we adjourn the House. (*Interruptions)*

SHRI DIPEN GHOSH: It is not a question of night. During the currency of the session. *(Interruptions)* Madam.. it is not a question of joke.

THE DEPUTY CHAIRMAN: No. It is not a joke. I am very serious.

SHRI DIPEN GHOSH: I want to know because I have a Special Mention.

THE DEPUTY CHAIRMAN: I will allow you at 4.30. If you want it at 4.30. we wil) take it up at 4.30. Four-thirfy *{Interruptions)*

अब एकदम शान्ति के साथ राम नरेश यादव जी को सुनने की कृपा करें।

MOTION OF THANKS ON THE PRESEDEND'S ADDRESS

श्री राम नरेश यादव (उत्तर प्रदेश) : उपसभापति महोदया, मैं प्रस्ताव करता हूं कि :

राष्ट्रपति के प्रति निम्नलिखित रूप में कृतज्ञता ज्ञापित की जाये :—

> "राष्ट्रपति ने 24 फरवरी, 1992 को संसद् की दोनों सभाओं की बैठक में कृपया जो अभिभाषण दिया है, उसके लिए राज्य सभा के सदस्य, जो सभा के वर्तमान सत्र में उपस्थित हैं, राष्ट्रपति के प्रति अपनी हार्दिक कृतज्ञता ज्ञापित करते हैं।"

महोदया, महामहिम राष्ट्रपति जी का अभिभाषण सरकार की नीतियों और कार्यक्रमों का दिग्दर्शक होता है। सरकार की नीति क्या है, सरकार की दृष्टि क्या है, कहां सरकार जाना चाहती है, इसका सारा संक्षिप्त विवरण, संकेत राष्ट्रपति के अभिभाषण में दिखायी पड़ता है। जब दिखाई पड़ता है तो महोदया, इस अवसर पर इतना जरूर कहना चाहता हूं कि यह जनतंत्र है और जनतंत्र में संसद् ही सर्वोच्च संस्था है किसी देश की और आपके देश में जो लोक सभा और राज्य सभा है, यह सर्वोच्च संस्थाएं हैं। जनतंत्र में आपसी विचार-विमर्श के आधार पर, बहस के आधार पर निर्णय हुआ करते हैं और निर्णय होने के पश्चात् ही निर्णय देश की जनता के सामने जाता है। जो सरकार की मशीनरी है उसे कार्य रूप में परिणत करती है इसलिए ऐसे समय में इस अभिभाषण में जो राष्ट्र के सामने चुनौतियां खड़ी हैं चाहे आतंकवाद की हो, चाहे आर्थिक स्थिति हो या और जो सारी समस्याएं हैं गरीबी निवारण की समस्या है, उन सारी चुनौतियों का एक तरह से संकेत मात्र दिया गया है। इसलिए मैं यह कहना चाहता हूं कि जब पहली बार महामहिम राष्ट्रपति के अभिभाषण का समर्थन करने के लिए खड़ा हुआ हूं तो मैं उधर बैठे लोगों से कहना चाहता हूं कि जब जनतंत्र में सब को अपनी बात कहने का हक हासिल है, विचार-विमर्श करने का हक हासिल है तो उन्हें राष्ट्रपति के अभिभाषण को बहुत शान्तिपूर्वक सुनना चाहिये था, उसका बहिष्कार नहीं करना चाहिये था क्योंकि उससे बल मिलता है सुनने और उसके बाद चिंतन करने का भी। इधर कई दिनों से जिस तरह से सदन की कार्यवाही में अवरोध उत्पन्न किया जाता है किसी न किसी प्रश्न को लेकर के वह समय जो राष्ट्र की जनता का है जिसमें सारा पैसा लगता वह एक तरह से अच्छा नहीं दिखाई पड़ता है उसकी तरफ से अच्छा नहीं दिखाई पड़ता है। उस तरफ से सारे सांसदों का ध्यान आकर्षित करना चाहता हूं क्योंकि आपके सामने चुनौतियां हैं और अवसर भी है (व्यवधान) चुनौतियां भी हैं और इस से बढ़िया सदन में कोई दूसरा अवसर भी नहीं मिलता है जहां विपक्ष अपनी भावनाओं को, सरकार की नीतियों के प्रति अपने दृष्टिकोण को रख सके अगर इससे बढ़िया अवसर होता तो मैं मोरारका जी से भी कहता चलिये हम लोग बैठ कर विचार करेंगे लेकिन इन चुनौतियों को सामने रखने के लिए सदन से उपयुक्त, इस सदन से उपयुक्त कोई दूसरी संस्था जनतंत्र में नहीं हो सकती है। इसलिए महामहिम राष्ट्रपति महोदय ने पहले ही कुछ